



PATENT
Attorney Docket No. 69273-0011

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Elliott FARBER)
Application No: 09/939,816) Art Unit: 1617
Filed: August 27, 2001) Examiner: S. Sharareh
For: Flexible Applicator for Applying)
Oil-in-Water Emulsion with Improved)
Stability)

Assistant Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Sir:

In response to the Office Action mailed February 12, 2003, Applicant makes the following election of species and requests examination of the application.

REMARKS

Claims 1-72 are pending in the above-captioned application. The Office Action asserts that this application contains two patentably distinct species directed to applicators having mutually exclusive emulsifying systems. The Office Action requires a provisional election, per 35 U.S.C. § 121, of one of the following species:

- (a) Applicators having beeswax and an anionic emulsifier as the emulsifier system (Claims 1-11, 20, 21, 24, 26, 28 30, 32, 34 35, 38, 39, 42-44, 48-56, 59-63, 66-70 and 73-76); and
- (b) Applicators having a non-ionic emulsifier as the emulsifier system (Claims 12-19, 22, 23, 25, 27, 29, 31, 33, 36, 37, 40, 41, 45-47, 57, 58, 64, 65, 71 and 72).

Applicant hereby elects species (a) Applicators having beeswax and an anionic emulsifier as the emulsifier system. This election of the species of applicators having beeswax and an anionic emulsifier as the emulsifier system reads at least on Claims 1-11, 20, 21, 24, 26, 28 30, 32, 34 35, 38, 39, 42-44, 48-56, 59-63, 66-70 and 73-76.

Conclusion

Applicant hereby elects species (a) Applicators having beeswax and an anionic emulsifier as the emulsifier system reading at least on the above indicated Claims. Applicant respectfully requests prompt examination of these claims.

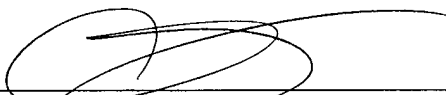
If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-1349. If a fee is required for an extension of time under 37 C.F.R. § 1.136 that is not accounted for in the enclosed transmittal, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

HOGAN & HARTSON, LLP

Date: March 12, 2003

By:


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